IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of :	**Harry McCabe**	Confirmation No. **7177**
Appl. No. :	**09/777,292**	Group Art Unit **2113**
Filed:	**February 5, 2001**	Examiner: **Christopher McCarthy**
Patent No.:	**7,146,532**	Docket No. **062083-5001-US**
Issued:	**December 5, 2008**	
For:	**Persistent Session and Data In**	
	Transparently Distributed Objects :	Being Filed via EFS on _08/19/09_

Attn: Certificate of Corrections Branch
     Publishing Division

REQUEST FOR CERTIFICATE OF CORRECTION

It is hereby respectfully requested that a Certificate of Correction be issued for the above-captioned United States Patent, in accordance with 37 CFR 1.323. The Certificate of Correction is being requested due to a clerical error which occurred on the part of the Applicant during the prosecution phase of the application. Assignee's attorneys respectfully submit that the error occurred in good faith and that this correction does not involve a change which would constitute new matter or require re-examination.

On the printed patent, Claim 1, Column 8, Line 65, as printed, reads, as follows:

"change in the system, with the alternate persistent data"

On the printed patent, Claim 1, Column 8, Line 65, should read:

"change in the <u>network</u> ~~system~~, with the alternate persistent data"

Assignee's attorneys submit that, upon the filing of the Amendment dated April 2, 2004, in Claim 1, Column 8, Line 65, the word "network" appeared in place of the word "system", without the proper markings indicating an amendment (i.e., without a strike-through of the word "system" and underline of the word "method").

Assignee's attorneys further submit that upon filing of the April 2, 2004 Amendment, the word "system" had been amended to "network" throughout the listing of the claims, including claim 1. It was only due to clerical error on the part of Applicant's attorneys that the amendment

was not properly reflected with the underlining/strikethrough method at Claim 1, Column 8, Line 65. A copy of the April 2, 2004 Amendment is enclosed for your reference as Exhibit "A".

Enclosed please find a Certificate of Correction, Form PTO/SB/44, setting forth the error which appeared in the printing of the above-referenced patent.
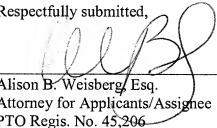
Issuance of a Certificate of Correction is believed appropriate and is respectfully requested.

The Commissioner is hereby authorized to charge the $100.00 fee for Requesting a Certificate of Correction to Deposit Account No. 50-0310 (our reference no. 095544-01-0005).

Further, enclosed with this submission please find fully executed Form PTO/SB/81A, Power of Attorney with Revocation and Form PTO/SB/96, Assignee Statement Under 37 CFR 3.73(b) for entry into the U.S. Patent and Trademark Office records.

Respectfully submitted,

Dated: 8|19|2009

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Attachments:
-Form PTO/SB/44
-Exhibit "A" (04/02/2004 Amendment)
-Form PTO/SB/81A
-Form PTO/SB/96

EXHIBIT A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Harry McCabe
Serial No.:	09/777,292
Filed:	02/05/2001
For:	PERSISTENT SESSION AND DATA IN TRANSPARENTLY DISTRIBUTED OBJECTS
Examiner:	Christopher S McCarthy
Art Unit:	2184

RECEIVED

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Technology Center 2100

Assistant Commissioner for Patents
Washington, DC 20231

AMENDMENT

Sir:

This Amendment is in response to the Office Action dated October 6, 2003.

Applicant has reviewed the Office Action and the Examiner's bases for rejecting the claims. Applicant has amended that application as set forth herein to place the present application in condition for allowance. Having traversed each of the Examiner's bases for rejecting the claims, Applicant respectfully requests the application be passed to issue. Remarks/Arguments begin on page 2 of this paper.

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IN THE CLAIMS

1. (currently amended) A computerized method to recover session information and data after a change in [the system] a network, the method comprising:

connecting a persistent data object to a first persistent data control object:

transacting data in a data area in response to a request by the persistent data object, [wherein] with the first data control object [controls] controlling the transaction of data in the data area;

dynamically replicating the data area in at least one alternative persistent data control object[s] located anywhere in the network; and

connecting the persistent data in the alternative persistent data control object upon notification of the change in the network, [wherein] with the alternative persistent data control object [obtains] obtaining control of the transaction of the data in the data area upon the change in the [system] network.

2. (original) The method of claim 1, wherein the system comprises an Application comprised of objects, a System Registry, and a Messaging Scheme.

3. (original) The method of claim1, wherein the change in the system comprises a failure of the first persistent data control object.

4. (currently amended) The method of claim 1, [additionally] the method further comprising creating a data area in response to a request b the persistent data object, [wherein] with the first persistent data control object [controls] controlling the creation of the data area.

5. (currently amended) The method of claim 1 [additionally] the method further comprising connecting the persistent data object to a second persistent data control object.

6. (currently amended) The method of claim 1, [additionally] the method further comprising storing the data in a media device.

7. (original) The method of claim 6, wherein the media device is chosen from the list consisting of a memory, hard disc drive, and a networked media device.

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8. (original) The method of claim 1, wherein session information is stored in the first persistent data control object and replicated in alternate persistent data control objects.

9. (currently amended) The method of claim 1, [additionally] the method further comprising dynamically replicating the data area in a plurality of alternative persistent data control objects.

10. (original) The method of claim 1, wherein the connecting the persistent data object to an alternate persistent data control object additionally comprises negotiating the alternate persistent data control object.

11. (original) The method of claim 10, wherein the negotiating the alternate persistent data control object comprises using a name-based negotiating method.

12. (currently amended) The method of claim 2, [additionally] the method further comprising the persistent data object communicating with the first persistent data control object and the alternative persistent data control object through the Messaging Scheme.

13. (original) The method of claim 2, wherein the Messaging Scheme determines the change in the system and notifies the persistent data object.

14. (original) The method of claim 1, wherein the change in the system additionally comprises adding an additional alternate data control object.

15. (original) The method of claim 13, wherein the additional alternate data control object is used for end of day archiving of the data area.

16. (currently amended) The method of claim 2, [additionally] the method further comprising the determining the change in the [system] network by sending a message to the first persistent data control object to determine the current state of the first persistent data control object.

17. (original) The method of claim 1, wherein the connection of the persistent data object to the alternate persistent data control object is done transparently to a user.

18. (currently amended) The method of claim 2, [additionally] the method further comprising registering the persistent data objects with the System Registry, and finding the first persistent data control object by querying the System Registry.

19. (currently amended) The method of claim 1, [additionally] the method further comprising requesting a transaction of data in the data area by a user, [wherein] with the user [sends] sending the request to the persistent data object.

20. (original) The method of claim 19, wherein the user is selected from the list consisting of a person, a program, a person using a program, a program using a program, and expanding levels of programs using programs.

21. (currently amended) A computerized method to recover session information and data after a change in [the system] a network, [wherein] with the [system] network [comprises] including at least an Application comprised of objects, a System Registry, and a Messaging Scheme and with the change in the [system] network [comprises] including a failure of the first persistent data control object, the method comprising:

connecting a persistent data object to a first persistent data control object;

creating a data area in response to a request by the persistent data object, [wherein] with the first persistent data control object [controls] controlling the creation of the data area;

object, [wherein] with the first persistent data control object [controls] controlling the transaction of the data in the data area;

dynamically replicating the data area in at least one alternate persistent data control objects located anywhere in the network;

determining the change in the [system] network by sending a message to the first persistent data control object to determine [the] a current state of the first persistent data control object;

connecting the persistent data object to an alternate persistent data control object[s] upon notification of the change in the [system] network, [wherein] with the alternate persistent data control object [obtains] obtaining control of the transaction of the data in the data area upon the change in the [system] network; and

connecting the persistent data object to the second persistent data control object.

22. (currently amended) A computer system for recovering session information and data after a change in [the system] a network, the method comprising:

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a computer, [wherein] <u>with</u> the computer [comprises] <u>including</u> a memory and a processor; and executable software residing in the computer memory [wherein] <u>with</u> the software [is] <u>being</u> operative with the processor to:

connect a persistent data object to a first persistent data control object;

transact data in a data area in response to a request by the persistent data object, [wherein] <u>with</u> the first persistent data control object [controls] <u>controlling</u> the transaction of the data in the data area;

<u>dynamically</u> replicate the data area in at least one alternate persistent data control object[s], and

connect the persistent data object to an alternate persistent data control object upon notification of the change in the [system] <u>network</u>, [wherein] <u>with</u> the alternate persistent data control object [obtains] <u>obtaining</u> control of the transaction of the data in the data area upon the change in the system.

23. (currently amended) A computer data signal embodied in a digital data stream for recovering session information and data after a change in [the system] <u>a network</u>, [wherein] <u>with</u> the computer data signal [is] <u>being</u> generated by a method comprising the steps of:

connecting a persistent data object to a first persistent data control object;

transacting data in a data area in response to a request by the persistent data object, [wherein] <u>with</u> the first persistent data control object [controls] <u>controlling</u> the transaction of the data in the data area;

<u>dynamically</u> replicating the data area in at least one alternate persistent data control objects; and

connecting the persistent data object to an alternate persistent data control object upon notification of the change in the [system] <u>network</u>, [wherein] <u>with</u> the alternate persistent data control object [obtains] <u>obtaining</u> control of the transaction of the data in the data area upon the change of the system.

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REMARKS

I.   General

The Amendment is in response to the Office Action dated October 6, 2003. Applicant has reviewed the Office Action and the Examiner's bases for rejecting pending claims 1-8, 10, 12, 13, 16, 17, and 19-23 under 35 U.S.C.§§102 and 103 either entirely or substantially based on U.S. Patent No. 5,027,269 issued to Grant et al. ("Grant") and for objecting to claims 9, 11, 14, 15, and 18. Applicant will demonstrate that these bases for rejection are overcome and should be withdrawn, thereby placing the present application in condition for allowance.

Applicant is aware that rewriting claims 9, 11, 14, 15, and 18 in independent form will place them in allowable condition since they were only objected to by the Examiner. Applicant, however, has amended independent claims 2, 21, 22, and 23 to distinguish these claims from the prior art cited by the Examiner in rejecting these claims. Thus, claims 9, 11, 14, 15, and 18 are in allowable condition even in their respective dependent forms.

II.   Claims 1, 3-8, 10, 17, 19, 20, 22, and 23 are Not Anticipated

The Examiner has rejected claims 1, 3-8, 10, 17, 19, 20, 22, and 23 under 35 U.S.C. §102 for anticipation based on Grant ("Grant"). Grant is directed to a method and apparatus for providing the continuous availability of applications in a computer network. This will permit the system in which it is implemented to switch from failing programs to an alternative system or restarting the failed system without the need to re-establish all sessions.

Figures 1A and 1B show the system of Grant. In describing this system, the specification states that LUx 10 is connected to LUy 40 through the network. If LUx 10 fails, LUx 20, which is an already active session connection, will replace LUx 10. This action is predicated on the connections being establishing so that the replacement can take place. This is contrary to the claimed operation of the system of the present invention.

The system of the present invention includes Objects that communicate through the Data Engine. These Objects can be registered in the System Registry. Thus, the System Registry is a registry of Objects. The Objects are controlled in the System Registry by the Data Engine. The System Registry is separate and apart from other registries that may be used to support the platform operation.

As set forth in the amended independent claims1 and 21-23, the replicating step is carried out by dynamically replicating the data area in at least one alternative persistent control object that may exist anywhere in the network. This is supported in the specification at Page 9, lines 8-12 and 28-31, and Figure 1. Grant does not anticipate this feature nor is this feature rendered obvious by Grant. As such, Applicant traverses the anticipation rejection under 35 U.S.C. §102 based on Grant, and Applicant requests that this rejection be withdrawn.

Claims 3-8, 10, 17 and 19-20 depend from claim 1. For the same reasons that the claim 1 overcame the Examiner's anticipation rejection, claims 3-8, 10, 17 and 19-20 also overcome this rejection. Therefore, Applicant requests that the Examiner withdraw the anticipation rejection as it has been applied to claims 3-8, 10, 17 and 19-20.

III. Claims 2, 12, 13, 16, and 21 Are Nonobvious

The Examiner has rejected dependent claims 2, 12, 13, and 16, and independent claim 21 for obviousness under 35 U.S.C. §103 based on Grant in view of U.S. Patent No. 6,539,422 to Hunt ("Hunt") and further in view of the Microsoft Computer Dictionary ("MCD"). As referred to in the previous section, Claim 1 from which claims 2, 12, 13, and 16 depend include the feature that the replicating step is carried out by dynamically replicating the data area in at least one alternative persistent control object that may exist anywhere in the network. This is not found in Grant, nor is this infirmity solved or rendered obvious by Hunt or the MCD.

The Examiner also rejected independent claim 21 for obviousness based on the Grant in view of Hunt and further in view of the MCD. Claim 21, like claims 22 and 23, include the step of dynamically replicating the data area in at least one alternative persistent control object that may exist anywhere in the network. Neither Grant, Hunt, nor the MCD teach or suggest this feature. Thus, this feature is not obvious in light of Grant, Hunt, and the MCD taken alone or in combination. As such, Applicant traverses the

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obviousness rejection under 35 U.S.C. §103 based on Grant, Hunt, and the MCD, and Applicant requests that this rejection be withdrawn.
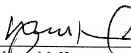
Conclusion

Applicant has traversed the Examiner's bases from rejecting pending claims 1, 3-8, 10, 17, 19, 20, 22, and 23 under 35 U.S.C. §102 for anticipation based on Grant and claims 2, 12, 13, 16, and 21 for obviousness under 35 U.S.C. §103 based on Grant in view of Hunt and further in view of the MCD. Having traversed these rejections, the claims as well as the application in general are in condition for allowance.

The present application is new, non-obvious, and useful. Reconsideration and allowance of the application are respectfully requested.

Respectfully submitted,

Dated: 4/2/2007

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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

Page __1__ of __1__

PATENT NO.   : 7,146,532

APPLICATION NO.: 09/777,292

ISSUE DATE   : December 5, 2006

INVENTOR(S)   :   Harry McCabe

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Assignee requests that Claim 1, Column 8, Line 65, be corrected as follows:

"system" should be changed to --network--

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